

**Statement of Martha B. Gould
Chairperson
U.S. National Commission on Libraries and Information Science**

**Before the
Committee on Rules and Administration
United States Senate**

**On the Nomination of Bruce R. James
To the Office of Public Printer**

October 3, 2002

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to present my views on the qualifications of Bruce James to serve as Public Printer, chief executive of the U.S. Government Printing Office. I am delighted that a fellow Nevadan has been selected for this position and I strongly support his speedy confirmation and appointment. Until my retirement in the mid-nineties, I was the director of the Washoe County Public Library based in Reno where I have lived more than a quarter century. Mr. James also resides in Washoe County and is a strong contributor to both the civic and philanthropic life of his community.

However, I do not base my support for Mr. James on what he has done for his fellow citizens in Nevada, but rather on what he can do for the citizens of this Nation in the area of government publishing and information services.

The National Commission on Libraries and Information Science (NCLIS) is a permanent and independent agency of the Federal government, established by law in 1970 to provide policy advice on the library and information needs of the American people. Members of the Commission are appointed by the President upon confirmation by the Senate and serve part-time. The Commission normally meets four or five times a year and is supported by a small full-time professional staff. I was appointed to the Commission in 1994 and was named chairperson by President Clinton in 2000 following the death of my predecessor, Jeanne Hurley Simon, the wife of former Senator Paul Simon.

The Commission has, throughout its history, paid special attention to policy issues concerning information created by the Federal government. Indeed, the principal Senate sponsor of our enabling statute, Ralph Yarborough of Texas, emphasized this aspect of our mission when he explained the legislation to his colleagues on the floor of the Senate three decades ago.

More than a decade before the Commission was created, Bruce James was beginning his career in the printing and information business. He has hands-on experience with all aspects of the printing trade. He bought his first printing press when he was eleven years old; in high school, he

employed a dozen young people in a printing business. He graduated from Rochester Institute of Technology's School of Printing Management and Sciences in 1964. He initially joined an established printing company, now more than a century old, but after moving to California in 1970 he began to demonstrate his entrepreneurship and technological leadership. He established a number of printing and publishing businesses. His Uniplan Corporation pioneered the use of computers in production of printing and electronic image generation. Barclays Law Publishers developed a complex, computer-driven process, using print on demand techniques, to bring order to the production of the administrative regulations of the state of California. Consistent in all of Mr. James' endeavors was demonstrated leadership and a comprehensive understanding of the potential of information technology.

This leadership and technological understanding will be indispensable as Mr. James faces the broad array of challenges in running the Government Printing Office. Among these challenges, the National Commission is particularly interested in the following:

Access to public information. It is a strength of the American government that information created by the government belongs to all the people. While there are limited exceptions to safeguard personal data about individuals and national security information, no restriction on subsequent use of most public information may be imposed. GPO, with its statutory provisions to provide information to the public through its sales program, to make available printing plates and other "reproducibles," and to operate the GPO Access system for electronic information, plays a unique role in affording this required access.

Federal Depository Libraries. For well over a century, the American people have had a ready means of access to material printed by the government. Nearly 1300 libraries throughout the Nation have been designated to receive at no cost information products produced by the government; these institutions agree to safeguard the material and make it freely available to the public. As information becomes increasingly available electronically, new roles and responsibilities have been and will continue to be assigned to depository libraries.

Fugitive documents. Despite best efforts, there is a body of information created by the government that does not find its way to the depository library system. Frequently, documents produced by agencies independently of GPO (either with or without a waiver from Congress) fail to be provided to GPO for distribution to the depository libraries. This problem is exacerbated in an electronic environment. Information that is available one day on a government agency's web site may disappear the next day with no explanation or means to recover it.

Throughout its history, and especially in recent years, the National Commission has worked closely with GPO in addressing issues affecting the right of the people to have access to information produced by the Federal government. In 1990, NCLIS adopted a statement of "Principles of Public Information" that succinctly laid out the policy framework in which GPO and all Federal agencies ought to operate regarding the creation and distribution of information. (I have included a copy of these principles with my testimony and request that it be included in the record.) In 1998, at the request of the Congressional Joint Committee on Printing, the Commission engaged in a landmark study concerned with the creation, use and long term

preservation of government information; this study focused on the issue of formats, mediums and standards used by the government when information is in electronic form.

In 1999, the Secretary of Commerce proposed closing one of the Nation's major scientific and technical information resources, the National Technical Information Service (NTIS), organizationally housed in the Commerce Department but serving the needs of all agencies as well as the public at large. The Commission examined this proposal and concluded that additional study was needed before any closure. Further, it was found that NTIS was part of the Nation's overall information handling capabilities, and any decision about its future should only be made in the context of a comprehensive assessment of such capabilities.

Senator John McCain (on behalf of the Commerce, Science and Transportation Committee) and Senator Joseph Lieberman (on behalf of the Governmental Affairs Committee) agreed, and in the summer of 2000 they formally requested the Commission to perform such an assessment. Drawing on the resources of more than 100 volunteers (senior executives in the government as well as in the library, publishing, and information communities), the Commission prepared a multi-volume report that was delivered to Congress in early 2001. This report contained more than 30 specific recommendations as well as extensive findings and conclusions.

The detailed substance of these recent Commission reports is beyond the scope of this hearing, but I am pleased to say that Mr. James has accepted a complete set of reports and is using them as a part of his efforts to comprehend the issues facing the Government Printing Office at the dawn of the 21st century. (These reports are available on the Commission's web site, www.nclis.gov under the "Government Information Policy" link.) I am hopeful that the Commission will continue to be in a position where it can study the issues involved in the creation, use, and permanent public access of government information and make further policy recommendations that GPO as well as Congress may consider and find helpful.

I cannot ignore in my testimony one of the most significant policy issues facing Mr. James immediately upon his appointment, although I do not intend to address it at any great length – that is, the recent memo from the Director of the Office of Management and Budget regarding agency printing. The Commission has not examined the issue thoroughly and it cannot comment on the claims for increased savings if agencies procure printing without going through GPO. Personally, I wonder if each agency will be able to develop the expertise already present in GPO's procurement operation. I am concerned that prices charged by individual printers will increase as they augment their sales staff to deal with a multitude of purchasing agents throughout the government. I am especially concerned that bypassing GPO will lead to a massive increase in the problem of fugitive documents. Finally, I question how OMB can direct agencies to ignore statutory law based on a single legal opinion from the Department of Justice. It seems to me that either a court has to rule the law invalid or the legislative process, involving the Congress with approval by the President, has to replace the existing law that requires agencies to use GPO as their source of printing. In any event, the Commission will make itself available to work with GPO, OMB and the Congress to address issues raised in the OMB memo if it is so desired.

Thank you for the opportunity to share my thoughts on the appointment of Bruce James and some of the issues he will face. I recommend speedy approval of his nomination by the Senate.

Principles of Public Information

Preamble

From the birth of our nation, open and uninhibited access to public information has ensured good government and a free society. Public information helps to educate our people, stimulate our progress and solve our most complex economic, scientific and social problems. With the coming of the Information Age and its many new technologies, however, public information has expanded so quickly that basic principles regarding its creation, use and dissemination are in danger of being neglected and even forgotten.

*The National Commission on Libraries and Information Science, therefore, reaffirms that the information policies of the U.S., government are based on the freedoms guaranteed by the Constitution, and on the recognition of public information as a national resource to be developed and preserved in the public interest. We define **public information** as information created, compiled and/or maintained by the Federal Government. We assert that public information is information owned by the people, held in trust by their government, and should be available to the people except where restricted by law. It is in this spirit of public ownership and public trust that we offer the following Principles of Public Information.*

Principles

1. The public has the right of access to public information.

Government agencies should guarantee open, timely and uninhibited access to public information except where restricted by law. People should be able to access public information, regardless of its format, without any special training or expertise.

2. The Federal Government should guarantee the integrity and preservation of public information, regardless of its format.

By maintaining public information in the face of changing times and technologies, government agencies assure the government's accountability and the accessibility of the government's business to the public.

3. The Federal Government should guarantee the dissemination, reproduction, and redistribution of public information.

Any restriction of dissemination or any other function dealing with public information must be strictly defined by law.

4. The Federal Government should safeguard the privacy of persons who use or request information, as

well as persons about whom information exists in government records.

5. The Federal Government should ensure a wide diversity of sources of access, private as well as governmental, to public information.

Although sources of access may change over time and because of advances in technology, government agencies have an obligation to the public to encourage diversity.

6. The Federal Government should not allow cost to obstruct the people's access to public information.

Costs incurred by creating, collecting and processing information for the government's own purposes should not be passed on to people who wish to utilize public information.

7. The Federal Government should ensure that information about government information is easily available and in a single index accessible in a variety of formats.

The government index of public information should be in addition to inventories of information kept within individual government agencies.

8. The Federal Government should guarantee the public's access to public information, regardless of where they live and work, through national networks and programs like the Depository Library Program.

Government agencies should periodically review such programs as well as the emerging technology to ensure that access to public information remains inexpensive and convenient to the public.

Conclusion

The National Commission on Libraries and Information Science offers these Principles of Public Information as a foundation for the decisions made throughout the Federal Government and the nation regarding issues of public information. We urge all branches of the Federal Government, state and local governments and the private sector to utilize these principles in the development of information policies and in the creation, use, dissemination and preservation of public information. We believe that in so acting, they will serve the best interests of the nation and the people in the Information Age.

Adopted by the U.S. National Commission on Libraries and Information Science, June 29, 1990